

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

SHEMIN REAL ESTATE, LLC,

Plaintiff,

Case No. 2:18-11704
Magistrate Judge Anthony P. Patti

v.

HENKELS & MCCOY, INC.,

Defendant.

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STATUS CONFERENCE ORDER AND REFERRAL TO MEDIATION

Based upon the items discussed at today's status conference, the deadlines established in the initial scheduling order shall remain in place (ECF No. 16). The parties having mutually approved retired U.S. Magistrate Judge Mona Majzoub to serve as facilitative mediator, and pursuant to E.D. Mich. L.R. 16.4, it is
ORDERED that this matter is hereby referred to facilitative mediation before Judge Majzoub, to take place on or before **February 1, 2021**, at the time and location designated by Judge Majzoub after consultation with the parties.

Judge Majzoub is granted the discretion to schedule additional sessions as necessary to facilitate resolution of this dispute, provided the mediation is completed by the date noted above. Judge Majzoub will alert the Court if more time is needed for additional sessions. All parties or individuals with settlement authority are required to attend the facilitative mediation sessions with their

respective counsel of record, and Judge Majzoub shall exercise her discretion as to whether restrictions related to the current Covid-19 pandemic will allow for in-person sessions or whether remote video participation should be permitted.

Corporate parties must be represented by an agent with authority to negotiate a binding settlement, and Judge Majzoub has the discretion to require the attendance of those individuals she believes are necessary for achieving a binding resolution.

It is further **ORDERED** that the facilitative mediation shall be conducted in the manner and method prescribed by E.D. Mich. L. R. 16.4. The parties may also mutually elect to convert the facilitative mediation with Judge Majzoub into a binding mediation or arbitration upon presentation of a stipulation to that effect.

It is further **ORDERED** that pursuant to Fed. R. Evid. 408, all information disclosed during the facilitative mediation session shall remain confidential and shall not be disclosed to any other party or to this Court, without the consent of the parties. Judge Majzoub shall not be called as a witness nor may Judge Majzoub's records be subpoenaed or used as evidence.

It is further **ORDERED** that within ten (10) days of completion of the final facilitative mediation session, Judge Majzoub will file a brief report with the Court stating only who participated in the facilitative mediation session(s) and whether a settlement was reached. Such post-facilitation report is not to contain any

additional information which may breach the principles of confidentiality and privacy noted herein.

It is further **ORDERED** that the parties shall pay to Judge Majzoub her administrative fee and hourly rate, which shall be divided equally between the parties.

This referral is not a substitute for further proceedings in this Court and the above-entitled case will proceed in this Court in the event settlement is not reached.

IT IS SO ORDERED.

Dated: September 11, 2020

APP. 2
Anthony P. Patti
UNITED STATES MAGISTRATE JUDGE